

# Notice of Allowability

Application No.

09/653,196

Examiner

Thomas H. Stevens

Applicant(s)

CASH ET AL.

Art Unit

2123

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendments filed 05/30/2006 and 08/14/2006.
2. ☒ The allowed claim(s) is/are 1,3,4,6-18,20-31 and 33-36.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1,3,4,6-18,20-31 and 33-36 were examined.

#### ***Section I: Claim/Specification/Drawing Objections***

2. Applicants are thanked for addressing these issues. All objections are withdrawn.

#### ***Section II: Allowable Subject Matter***

3. Claims 1,3,4,6-18,20-31,33-36 are allowed.
4. The following is an examiner's statement of reasons for allowance: While Nelson (U.S. Patent 5,390,107) and Madigan-E et al., ("Simulation Success Stories: Business Process Reengineering" (1997)), discloses (claims 1, 33-36) a method of quantitatively evaluating alternatives to check-out operations using simulation model, comprising: selecting from a data input dictionary parameters describing a first check-out operations; inputting parameter values for the selected parameters describing the first checkout operations into the simulation model; transforming the first check-out operations parameters into check-out performance results; and outputting the results from the simulation model; (claim 27) a method of predicting, with a simulation model programmed to accept parameters within a predetermined range, performance characteristics of a prospective check-out system for use in planning and designing a check-out

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system comprising: selecting a check-out configuration; determining parameters within the predetermined range that describe the check out configuration; inputting the parameters describing the check-out configuration into the simulation model; demand; model; determining within the predetermined range that describe customer inputting the parameters describing the customer demand into the simulation transforming the customer demand parameters and the check-out configuration parameters into check-out configuration performance; and outputting information regarding the check-out configuration performance from the simulation model, none of these references, taken either alone or in combination, teach the following limitations:

*(claims 1 and-27) "wherein the transforming step is performed in either an unlimited arrival mode or a limited arrival mode;"*

*(claim 33) "wherein the first checkout operations includes one of the transaction process at two front check stands, a transaction process at two back-to-back check stands and a transaction process at two front facing check stands for fast-track customers;"*

*(claim 34) "the first check-out operations include check stand designs, transaction procedures and lane configurations;"*

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*(claim 35) "the simulation model simulates two lane models using check-out operations parameters describing the following events: pre-itemization, itemization, finalization, bagging and intervention;"*

*(claim 36) "wherein the first check-out operations parameters comprise a configuration category, a customer demand category, a schedule category, a transaction category, a transaction itemization category, a transaction finalization category, a transaction bagging category, a transaction intervention category, and a model parameters category;"*

in combination with the remaining elements and features of the claimed invention. It is for these reasons that the applicants' invention defines over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

#### ***Correspondence Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mr. Tom Stevens whose telephone number is 571-272-3715, Monday-Friday (8:00 am- 4:30 pm EST).

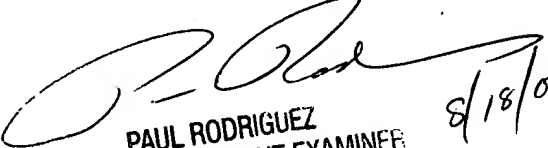
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If attempts to reach the examiner by telephone are unsuccessful, please contact examiner's supervisor Mr. Paul Rodriguez 571-272-3753. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Answers to questions regarding access to the Private PAIR system, contact the Electronic Business Center (EBC) (toll-free (866-217-9197)).

August 11, 2006

TS

  
PAUL RODRIGUEZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100  
8/18/06